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Dkt. 74605/JPW/AJC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Shai Vaingast and Ehud Cohen
Serial No. : 10/538,521 Examiner : Alter, Alyssa M.
Filing Date : January 11, 2006 Art Unit : 3762
For : EFFICIENT DYNAMIC STIMULATION IN AN IMPLANTED
DEVICE

30 Rockefeller Plaza, 20th Floor
New York, New York 10112
September 1, 2009

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION IN RESPONSE TO JUNE 26, 2009

OFFICE ACTION AND INTERVIEW SUMMARY

Further to an August 13, 2009 telephone interview with Examiner Alter, this Communication is submitted in response to the Office Action issued June 26, 2009 in connection with the above-identified application. Since a response to the June 26, 2009 Office Action is due September 26, 2009, this Communication is being timely filed.

As the undersigned pointed out during the August 13, 2009 telephone interview, claims 1-31 were cancelled and claims 32-63 were presented in the Preliminary Amendment filed on June 10, 2005 with the national stage entry papers for the subject application. As a result, the June 26, 2009 Office Action is directed to cancelled claims. As the undersigned further pointed out during the August 13, 2009 telephone interview the June 10, 2005 Preliminary Amendment cancelling claims 1-31 appears on PAIR. Further, the published application (US 2006-0265027 A1, published November 23, 2006) includes claims 32-63 and indicates claims 1-31 are cancelled.

During the August 13, 2009 telephone interview, the Examiner explained that she based the Office Action on claims 1-30 filed

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February 21, 2006. In response, the undersigned noted that the February 21, 2006 submission was an Information Disclosure Statement and suggested that perhaps the Examiner has misinterpreted the submission of a copy of the priority application, U.S. Provisional Application No. 60/432,932, which includes claims 1-30 as an amendment adding these claims.

At the conclusion of the August 13, 2009 telephone interview, Examiner Alter suggested that applicants file a response to the June 26, 2009 Office Action indicating that the claims to be examined are claims 32-63, not claims 1-30. Examiner Alter further indicated that upon receipt of such a response she would examine claims 32-63 and issue a new, non-final Office Action.

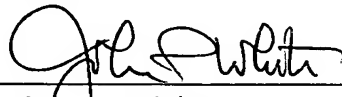
Accordingly, applicants are submitting this Communication, and look forward to receiving a further Office Action directed to claims 32-63.

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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

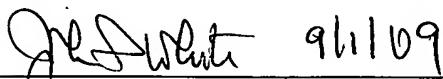
Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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